

REMARKS

One amendment is offered to correct a previously undetected informality in claim 22. Claims 1-21 and 23-30 remain as originally presented, and together with amended claim 22, remain pending.

Insufficiency of Declaration

Applicants' declaration filed on February 17, 2004, was considered ineffective to overcome the cited reference. In response, Applicant re-submits herewith an expanded declaration, supported by the March 7, 2000 Meeting Memo, and an expanded Witness statement. Both the Applicant and the Witness' declarations have been expanded to include detailed descriptions of the invention conceived. Further, both declarations have been expanded to include the statistical details of the drafts and final applications produced during the relevant period from conception to filing, including statistics such as the number of drafts, number of pages, number of words, number of claims, and number of figures. Applicant respectfully submits the sustained effort of reviewing and commenting on an average of more than 20 pages of more than 4,000 words (including more than 20 claims) per week, during the relevant period, to make possible the total finished output of more than 130 pages of more than 29,000 words (including more than 165 claims), and 39 figures, clearly demonstrates and supports the assertion of due diligence.

Nonetheless, in the interest of expediting prosecution, Applicant also included below remarks setting forth the patentability of the invention as currently claimed over the cited references, in the event the Examiner maintains the deficiency of the declaration and its supporting documents.

Rejection under 35 U.S.C. 102(e)

Claims 1-4, 6, 7, 9, 10-12, 14, and 22 stand rejected under 35 U.S.C. 102(e) as being unpatentable over U.S. Patent No. 6,327,533, to Chou ("Chou"). A claim is

anticipated only if each and every element as set forth in the claim is found in a single prior art reference. Applicants respectfully traverse the rejection.

Claim 1 recites a method comprising:

a mobile client device, on behalf of a user, submitting an identity of the user to a messaging service, including a current location of the user;

the messaging service, in response, selecting a recipient remotely disposed from the mobile client device and the messaging service to receive the user's current location for information purpose, based at least in part on the identity of the user; and

transmitting the user's current location to the selected recipient.

(Emphasis added)

As recited in claim 1, among other things, the method requires "a mobile client device, on behalf of a user, submitting **an identity of the user**, including a current location of the user, to a messaging service", and in response, "the messaging service **selecting a recipient** ... to receive the user's current location, **based at least in part on the identity of the user**". (Hereinafter, the SUBMIT and the SELECT operations). Note that the required SUBMIT operation calls for the submission of the identification of a user of the submitting mobile device, and the required SELECT operation calls for the messaging service to **select** recipients for the location information of the user, identified by the submitted **identifier**. Further, the **selection** is to be based at least in part on the **identity** of the user, whose identity and location information have just been submitted.

Chou teaches a method and apparatus for continuously locating moveable objects. Chou's method includes having the moveable objects provide their current location information to a central processing station. Authorized clients may log onto the central processing station to view maps generated with current locations of the

moveable objects, thereby allowing the logged-in authorized clients to discern the current locations of the moveable objects. See abstract.

Since Chou merely teaches having the moveable units provide their current location information to the central processing station, Chou does not teach the required SUBMIT operation, which requires in addition to the location information of the device, an identifier of a user of the device. This deficiency remains, even if we assume that provision of the moveable objects' current location information inherently include identification information of the moveable objects, identification of the moveable object is not identification of a user of the device/object.

In rejecting claim 1, the Examiner asserted Chou's disclosure in col. 11, lines 15-21 anticipated the required SUBMIT operation. However, the cited passage merely disclosed "the objection location server receives the X-Y coordinates of the objects being tracked". Thus, it is the clear the cited passage does not disclose the objection location server receiving from the moveable objects identification information of a user of the moveable object.

Similarly, Chou merely teaches providing the location information of the moveable objects to logged-in authorized clients. Nowhere did Chou teaches having the object location server selects recipients of the location information, based on the identifier of a user of the device submitting the location information.

In rejecting claim 1, the Examiner asserted that Chou's teachings in col. 11, lines 21-31 and col. 10, lines 27-56 anticipated the SELECT operation. However, a close reading of the cited passage shows that the passage merely teaches the object location server providing location information of the moveable objects to logged-in authorized clients, as discussed earlier.

Accordingly, Chou fails to anticipate the required SUBMIT and SELECT operations. Thus, for at least the above reasons, claim 1 is patentable over Chou.

Claims 14 and 22 include, in substance, the same SUBMIT and SELECT

operations of claim 1. Thus, for at least the same reasons, claims 14 and 22 are patentable over Chou.

Claims 2-4, 6-7, 9, and 10-12 depend on claim 1, incorporating its limitations. Thus, for at least the above-stated reasons, claims 2-4, 6-7, 9, and 10-12 are patentable over Chou.

Rejection of claims 5 and 8 under 35 U.S.C. 103(a)

Claims 5 and 8 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Chou in view of U.S. Patent No. 6,542,075, to Barker et al. ("Barker").

Claims 5 and 8 depend on claim 1, incorporating its limitations. Thus, for at least the above-stated reasons, claims 5 and 8 are patentable over Chou.

Barker does not remedy the above discussed deficiencies of Chou. Thus, for at least the same reasons, claims 5 and 8 are patentable over Chou, even when combined with Barker.

Rejection of claim 13 under 35 U.S.C. 103(a)

Claim 13 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Chou in view of U.S. Patent No. 6,442,263, to Beaton et al. ("Beaton").

Claim 13 depends from claim 1, incorporating its limitations. Thus, for at least the above-stated reasons, claim 13 is patentable over Chou.

Beaton does not remedy the above discussed deficiencies of Chou. Thus, for at least the same reasons, claim 1 is patentable over Chou, even when combined with Beaton.

Rejection of claims 15-21 and 23-30

Claims 15-21 and 23-30 stand rejected for similar reasons as applied to claims 1-14. Since claims 1-14 have been shown patentable, thus, for at least the

same reasons, claims 15-21 and 23-30 are patentable over the cited references.

Conclusion


In view of the foregoing, claims 1-30 are in condition for allowance. Early issuance of the Notice of Allowance is earnestly solicited.

Please charge any shortages and credit any overages to Deposit Account No. 500393.

Respectfully submitted,

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